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cutor indorsed, unless there was really a Prosecutor existing, for the Words in the Act are, *the Prosecutor*. And as no Person in the present Case is proved to be active in carrying on the Prosecution, the Defendant must plead to the Indictment without any Indorsement.

It was then moved, that the Defendant himself might be sworn to prove the Person prosecuting; but denied by the Court, who said it must be proved by indifferent Witnesses.

## September Term, 1762.

NIXON and HARPER *versus* LONG and PLUMSTEAD.

THE Protest of a Master of a Ship, allowed to be given in Evidence.

## April Term, 1763.

WILLIAM ALLEN. Chief Justice.  
WILLIAM COLEMAN, Justice.

*The Lessee of* FOTHERGILL and others *versus* CHRISTIAN STOVER.

A Letter from *James Steel*, Receiver General and Secretary of the Land Office, to the Surveyor General's Deputy. in *Chester* County in these Words, "Friend *Isaac Taylor*, *Philadelphia*, 3d 2m " 1719.—*James Logan* has agreed that the Bearer hereof *William Willis* shall have 500 Acres of Land at *Conestogoe*. Please to survey it to him and the Warrant shall be ready.—Thy loving Friend,  
" *James*